

F:\MMMLPLDG\1693-340.stip-jt-mtn.doc

Paul R. Fine, State Bar No. 053514
Maureen M. Michail, State Bar No. 185097

DANIELS, FINE, ISRAEL,
SCHONBUCH & LEOVITS, LLP
1801 CENTURY PARK EAST, NINTH FLOOR
LOS ANGELES, CALIFORNIA 90067
TELEPHONE (310) 556-7900
FACSIMILE (310) 556-2807
MICHAEL@DFIS-LAW.COM

Attorneys For Defendant USAA
CASUALTY INSURANCE
COMPANY

Tanya M. Schierling, State Bar No. 206984
SOLOMON WARD SEIDENWURM & SMITH, LLP
401 B STREET, SUITE 1200
SAN DIEGO, CALIFORNIA 92101
TELEPHONE (619) 231-0303
FACSIMILE (619) 231-4755
TSCHIERLING@SWSSLAW.COM

Attorneys For Plaintiffs TIMOTHY L.
BACINO, an individual; and
SUSANNE V. BACINO, an individual

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TIMOTHY L. BACINO, an individual;
and SUSANNE V. BACINO, an
individual,

Plaintiffs,

vs.

USAA CASUALTY INSURANCE
COMPANY; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 08 CV 1239 DMS RBB
[Hon. Dana M. Sabraw, Courtroom 10]

STIPULATION AND JOINT MOTION
TO EXTEND TIME TO RESPOND TO
THE COMPLAINT

[Pursuant to CivLR 12.1]

[Filed concurrently with [Proposed]
Order]

///

07/29/2008 16:49 FAX 310 556 2739

DFIS & L

003/005

F:\MMP\LDG\1693-340.stip-jt-mtn.doc

1 Plaintiffs Timothy L. Bacino and Susanne V. Bacino, on the one hand,
2 and Defendant USAA Casualty Insurance Company, on the other hand, through
3 their respective counsel stipulate as follows:

4 1. Plaintiffs served the complaint in the instant action on USAA
5 Casualty Insurance Company on July 11, 2008. However, because USAA was in
6 the process of retaining defense counsel to handle the matter, counsel for USAA did
7 not receive the complaint until July 28, 2008. USAA exercised due diligence in
8 obtaining defense counsel, doing so in approximately two weeks.

9 2. Defendant USAA's response to the complaint is currently due on
10 July 31, 2008.

11 3. Counsel for USAA is requesting an extension to respond to the
12 complaint because it is not yet in possession of the file documents.

13 4. Consequently, the parties wish to extend the time for defendant
14 USAA to file an answer to plaintiff's complaint for 14-days up to and including
15 August 14, 2008.

16 5. Good cause supports this continuance for 14-days since counsel for
17 USAA has not had an adequate opportunity to review USAA's file and complete its
18 research in order to file a meaningful response to the complaint.

19
20 IT IS HEREBY STIPULATED:

21
22 Date:

DANIELS, FINE, ISRAEL,
SCHONBUCH & LEOVITS, LLP

23
24
25 By: 

Maureen M. Michail / michail@dfis-law.com

26 Attorneys For Defendant USAA CASUALTY
27 INSURANCE COMPANY
28

07/29/2008 18:49 FAX 310 556 2733

DFIS & L

004/005

DANIELS, FINE, ISRAEL, SCHONBUCH & LEBOVITS, LLP
1801 CENTURY PARK EAST, NINTH FLOOR
LOS ANGELES, CALIFORNIA 90067
TELEPHONE (310) 556-7900
FACSIMILE (310) 556-2907

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Date:

SOLOMON WARD SEIDENWURM & SMITH, LLP

By: Tanya M. Schierling
Tanya M. Schierling

Attorneys For Plaintiffs TIMOTHY L. BACINO, an
individual; and SUSANNE V. BACINO, an individual

PROOF OF SERVICE

1 State of California)
2 County of Los Angeles)

3 I am a resident of the State of California, over the age of eighteen years, and not a party to the within
4 action. My business address is 1801 Century Park East, Ninth Floor, Los Angeles, California 90067.
On July 30, 2008, I served the within document(s):

5 **STIPULATION AND JOINT MOTION TO EXTEND TIME TO RESPOND TO THE**
6 **COMPLAINT; PROPOSED ORDER**

7 by placing a true copy thereof in sealed envelopes as stated on the attached mailing list.

8 ☐ **BY FACSIMILE TRANSMISSION** I transmitted said document(s) via facsimile
9 machine pursuant to C.R.C. rule 2006 to fax number FACSIMILE NUMBER. The
10 facsimile machine I used complied with rule 2003 and no error was reported by the
machine. Pursuant to rule 2006, I caused the machine to print a transmission record of the
transmission, a copy of which is attached to this declaration.

11 ☒ **BY MAIL** I am "readily familiar" with the firm's practice of collection and
12 processing correspondence for mailing. Under that practice a true copy would be deposited
13 with U.S. postal service on that same day with postage thereon fully prepaid at Los
14 Angeles, California in the ordinary course of business. I am aware that on motion of the
party served, service is presumed invalid if postal cancellation date or postage meter date is
more than one day after date of deposit for mailing in affidavit.

15 ☐ **BY PERSONAL SERVICE** I caused personal delivery by ATTORNEY SERVICE
16 of said document(s) to the offices of the addressee(s) as set forth on the attached mailing
list.

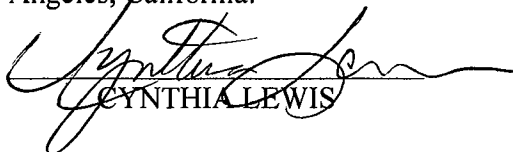
17 ☐ **BY OVERNIGHT DELIVERY SERVICE** I caused such envelope to be deposited
18 with an overnight delivery service (Overnite Express/Federal Express) for delivery the next
court day, or at most, within two court days of the above date.

19 ☐ **BY E-MAIL OR ELECTRONIC TRANSMISSION.** Based on a court order or an
20 agreement of the parties to accept service by e-mail or electronic transmission, I caused the
21 documents to be sent to the persons at the e-mail addresses listed on the service list. I did
not receive, within a reasonable time after the transmission, any electronic message or other
22 indication that the transmission was unsuccessful.

23 ☐ (State) I declare under penalty of perjury under the laws of the State of California that
24 the above is true and correct.

25 ☒ (Federal) I declare that I am employed in the office of a member of the bar of this
26 court at whose direction the service was made.

27 Executed on July 30, 2008, at Los Angeles, California.

28 
CYNTHIA LEWIS

SERVICE LIST

1 Tanya M. Schierling, Esq.
2 Solomon Ward Seidenwurm & Smith, LLP
3 401 B Street, Suite 1200
4 San Diego, California 92101
5 tschierling@swsslaw.com
6 Telephone: (619) 231-0303
7 Facsimile: (619) 231-4755
8 *Attorneys for Plaintiffs*

9 1693.340
10 1693-340
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28